

12 ~~19~~ (Amended). A method for altering characters of a plant, comprising steps of:

introducing the ^{DNA molecule} gene of claim 2 into a plant cell; (and)
regenerating the plant cell into a transgenic plant; and

selecting the plant having altered characters, wherein the characters of [a]the plant include one selected from the group consisting of [a]the height of [a]the plant and [a]the length of an internode.

REMARKS

After entry of this amendment, claims 1-2, 4-9, 12, 15, and 18-19 are pending in the present application. The pending claims are presented in Appendix 1. In the final Office Action, claims 1-2, and 4-21 were rejected under 35 U.S.C. § 112, first paragraph, for allegedly lacking written description. The claims were also rejected under 35 U.S.C. § 112, first paragraph, for allegedly lacking enablement. The claims also stand rejected under 35 U.S.C. § 112, second paragraph, for allegedly being indefinite. Each of the rejections will be addressed in the order in which they were raised.

Claim 1 has been amended to remove part b) of the claim which was directed to DNA that hybridizes under stringent conditions to the DNA described in part a) of the claim. Claim 2 has been amended to remove part ii) of the claim which was directed to DNA that encodes certain modifications of the transcription factors of the invention. Both claim 1 and claim 2 are amended solely for the purposes of expediting prosecution. Claims directed to the deleted subject matter will be prosecuted in continuing applications filed at a later date. Support for claim 1 and claim 2 as amended can be found in the alternative language used in claim 1 and claim 2 as originally filed.

Claims 1 and 2 are also amended to more clearly state the claimed invention by changing "gene" to "isolated gene". Support for this amendment can be found on page 7, lines 21-28 and on page 8, lines 17-22 of Applicants' specification. No new matter has been added.

Claims 18 and 19 are amended to include the additional step of selecting a plant having altered characters. Claims 18 and 19 are now more readily distinguishable from claims 4 and 12, respectively. Support for the amendments is found on page 12, lines 4-20, and on

pages 19-20, Example 6. Claims 18 and 19 have also been amended to more clearly refer to the altered characters as suggested by the Examiner. A typographical error in claim 18 has also been corrected. No new matter has been added.

Rejections under 35 U.S.C. § 112, first paragraph

The rejections of the claims for allegedly lacking written description and enablement are overcome by the above-amended claims.

The Examiner's rejection of claim 1 was based entirely on the portion of claim 1 which refers to sequences that hybridize to SEQ ID NO:1 under stringent conditions. This portion of claim 1 has now been deleted. Likewise, claim 2, as amended, no longer includes reference to the modified amino acid sequences on which the Examiner's written description and enablement rejections of that claim were based. Other claims directed to subject matter analogous to that deleted from claims 1 and 2 have been canceled.


Again, Applicants emphasize that the amendments to claims 1 and 2 and the cancellation of claims 10-11, 13-14, 16-17, and 20-21 serve only to expedite prosecution and do not constitute an admission of lack of written description or enablement. Applicants further reserve the right to continue prosecution of claims directed to the deleted subject matter in continuing applications to be filed at a later date.

In light of the amendments described above, Applicants respectfully submit that the specification meets the description requirements for the pending claims and that the pending claims are fully enabled by the specification as originally filed. Accordingly, the rejections under 35 U.S.C. § 112, first paragraph, should be withdrawn.

Rejections under 35 U.S.C. § 112, second paragraph

The rejections of the claims for allegedly being indefinite are also overcome by the above-amended claims. In particular, the reference to "stringent conditions" in claim 1 has been deleted. Likewise, the portion of claim 2 which previously referred to "1)" or "i)" in line 7 has been deleted from the claim. In addition, the allegedly indefinite claims 10-11, 13-14, 16-17, and 20-21 have been canceled.

In light of the amendments described above, Applicants respectfully submit that the rejections under 35 U.S.C. § 112, second paragraph, should now be withdrawn.




Claim objections

Finally, the claim objections referred to on pages 5-6 are also addressed in the above-amended claims.

CONCLUSION

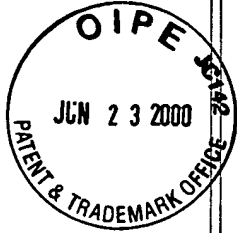
In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested. If a telephone conference would expedite prosecution of this application, the Examiner is invited to telephone the undersigned at 415-576-0200.

Respectfully submitted,


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Appendix 1

1. An isolated gene comprising a nucleotide sequence from the 190th position to the 807th position of a nucleotide sequence represented in SEQ ID NO:1.
2. An isolated gene encoding a transcription factor comprising an amino acid sequence from the 1st position to the 206th position of an amino acid sequence represented in SEQ ID NO:2.
4. A method for producing a transgenic plant, comprising the steps of:
introducing the gene of claim 1 into a plant cell; and
regenerating the plant cell into a transgenic plant.
5. A method according to claim 4, wherein the plant is a dicotyledon.
6. A method according to claim 5, wherein the plant is a member of the Solanaceae family.
7. A method according to claim 6, wherein the plant is a member of the Petunia genus.
8. A method according to claim 4, wherein the gene is incorporated into a plant expression vector.
9. A transgenic plant produced by the method of claim 4.
12. A method for producing a transgenic plant, comprising the steps of:
introducing the gene of claim 2 into a plant cell; and
regenerating the plant cell into a transgenic plant.

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15. A transgenic plant produced by the method of claim 12.

18. A method for altering characters of a plant, comprising steps of:
introducing the gene of claim 1 into a plant cell;
regenerating the plant cell into a transgenic plant; and
selecting the plant having altered characters, wherein the characters of the plant include one selected from the group consisting of the height of the plant and the length of an internode.

19. A method for altering characters of a plant, comprising steps of:
introducing the gene of claim 2 into a plant cell;
regenerating the plant cell into a transgenic plant; and
selecting the plant having altered characters, wherein the characters of the plant include one selected from the group consisting of the height of the plant and the length of an internode.